

THE COURT NOTING that Federal Rule of Civil Procedure 4(c)(1) provides that “[a] summons must be served with a copy of the complaint,” Fed. R. Civ. P. 4(c)(1); and

THE COURT NOTING FURTHER that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default,” Fed. R. Civ. P. 55; and

THE COURT FINDING that default judgment for Plaintiff is not proper under these circumstances;

IT IS HEREBY ORDERED that Plaintiff’s motion for default judgment is **DENIED**.

Dated: 4/26/2012

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge